

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

THE BACKER LAW FIRM, LLC, on behalf of)
itself and all those similarly situated,)
)
)
Plaintiff,)
vs.)
)
ELI GLOBAL, LLC, doing business as "Business)
Publishers, Inc." and)
www.constructionclaimsmonthly.org,)
)
Defendant.)

Case No.: 4:15-cv-383

JURY TRIAL DEMANDED.

ELI GLOBAL, LLC's NOTICE OF REMOVAL

NOW COMES the Defendant, Eli Global, LLC ("Eli"), by and through its undersigned attorneys, and hereby removes and gives notice of its removal of the above captioned case brought by the Plaintiff, The Backer Law Firm, LLC ("Backer" or Plaintiff"), in the Circuit Court of Jackson County, Missouri, Case No. 1516-CV07545, to the United States District Court for the Western District of Missouri, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. In support of its removal, Eli states as follows:

1. On April 9, 2015, Backer filed a class action petition for damages ("Petition") against

Eli alleging various theories of liability allegedly arising out of an incident that occurred on or about December 6, 2011 in Jackson County, Missouri. The Petition was filed in the Circuit Court of the Sixteenth Judicial Circuit, Jackson County, Missouri, Case No. 1516-CV07545. A copy of the documents filed in the underlying case are attached to this Notice as **Group Exhibit A**.

2. On April 22, 2015, Eli was served at its registered agent, HLG Agent LLC, 3110 Edwards Mill Road, Suite 300, Raleigh, North Carolina 27612.

3. As reflected in Plaintiff's Petition, Plaintiff is pursuing a class action based on violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 (Count I), the

Missouri Computer Tampering Act ("MCTA"), RSMo. 569.097 (Count III), and the common laws of conversion (Count II), negligence (Count IV), and negligence per se (Count V).

4. TCPA claims are federal question claims pursuant to 28 U.S.C. §1331, and federal courts have original jurisdiction over such claims.

5. This action is removable to the United States District Court for the Western District of Missouri, Western Division, pursuant to 28 U.S.C. §1441 and Local Rule 3.1, which provide that any civil action brought in a state court for which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court for the United States for the district and division embracing the place where the action is pending. Jackson County is located within the territorial boundary of the Western District, and cases originating in Jackson County, Missouri, are properly venued in the Western Division. L.R. 3.1.

6. The corporate agent was served on April 22, 2015. Therefore, pursuant to 28 U.S.C. §1446(b)(1), this Notice of Removal is timely filed "within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based." 28 U.S.C. §1446(b)(1).

7. In accordance with 28 U.S.C. §1446(d), written notice of the filing of this Notice of Removal will be given to the Plaintiff and will be filed with the Court Administrator for the Circuit Court of Jackson County, State of Missouri, following the filing of this notice, together with a Notice of Filing of Notice of Removal.

8. Eli is contemporaneously filing a Civil Cover Sheet and has paid the required filing fee.

9. Eli has a good and sufficient defense to this action.

WHEREFORE, Defendant Eli Global, LLC requests that the above action now pending against it in the Circuit Court of Jackson County, Missouri be removed to the United States District Court for the Western District of Missouri.

HINSHAW & CULBERTSON LLP

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